HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22024 of 2006

Dated:26.10.2006

Between:

Uppara Ramudu.

…Petitioners

and

Revenue Divisional Officer and others.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22024 of 2006

ORDER:

The petitioner herein claims to be the owner of the land admeasuring Ac.0.08 cents in Survey No.36-4 situated at Kakkalapalli Revenue Village in Anantapur Mandal and District. His name was also entered in the revenue records and he obtained necessary pattadar pass books. However, at the behest of the third respondent, the first respondent initiated enquiry for cancellation of pattadar pass books issued to the petitioner and issued a notice bearing Rc.No.D2/818/2006, dated 09.05.2006 posting the enquiry on 27.05.2006, and it appears, the petitioner also appeared before the enquiry. Now this case statedly stands posted to 28.10.2006. In spite of the same, the petitioner filed the instant Writ Petition seeking a writ of mandamus declaring the enquiry initiated by the first respondent as illegal and arbitrary.

Learned Counsel for the petitioner submits that the petitioner herein filed a suit, being O.S.No.817 of 2006, on the file of the Court of the Principal Junior Civil Judge, Anantapur, and therefore, the enquiry conducted by the first respondent is itself illegal.

A perusal of the petition averments would show that the enquiry was initiated by the Revenue Divisional Officer on the representation

made by the third respondent and by issuing a notice on 09.05.2006. It appears, the petitioner herein filed the suit on the file of the Court of the Principal Junior Civil Judge, Anantapur, on 27.09.2006. The said suit is for perpetual injunction, and therefore, such a suit is not a bar for the Revenue Divisional Officer exercising jurisdiction under the provisions of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971. Even otherwise, it is always open to the petitioner to bring to the notice of the first respondent about the pendency of the suit and file a declaration as required under Rule 9(c)(ii) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989.

The Writ Petition is misconceived, and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

26.10.2006
vs